**Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction**

6 August 2018

English only

**2018 Meeting**
Geneva, 4-7 December 2018

**Meeting of Experts on Institutional strengthening of the Convention**
**Geneva, 16 August 2018**
Item 4 of the provisional agenda
**Consideration of the full range of approaches and options to further strengthen the Convention and its functioning through possible additional legal measures or other measures in the framework of the Convention**

# Further strengthen the Convention and its functioning

## Submitted by Cuba

## I. Overview

1. All States Parties of the BWC unequivocally share a common interest to strengthen the effectiveness of the Convention and improve its implementation in a comprehensive manner. Rapidly evolving developments in science and technology, proliferation, pandemics, together with the threat of use of biological agents or toxins for terrorist purposes, pose major challenges to the Convention and underline the urgency of this task.

2. The great majority of States parties to the BWC work for almost a decade in arduous negotiation as a demonstration of their political will to produce a Protocol that will fulfill the objective of strengthening the Convention. Thus, NAM States Parties and other Parties continue to reaffirm that multilateral negotiations aimed at concluding a non-discriminatory, legally binding agreement is the only sustainable method of strengthening the Convention.

3. In the absence of detailed treaty provisions for implementation, the 2017 Meeting of States Parties to the Biological Weapons Convention (BWC) reached consensus on an intersessional program from 2018 to 2020. The purpose is to discuss and promote common, understanding and effective action on those issues identified for inclusion in such program. The work in the intersessional program will be guided by the aim of strengthening the implementation of all articles of the Convention in order to better respond to current challenges.

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4. The intersessional program consists of annual Meetings of States Parties preceded by annual Meetings of Experts. Each Meeting of Experts will prepare, for the consideration of the annual Meeting of States Parties, a factual report reflecting its deliberations, including possible outcomes. All meetings, both of Experts and of States Parties will reach any conclusions or results by consensus. The Ninth Review Conference in 2021 will consider the work and outcomes it receives from the Meetings of States Parties and the Meetings of Experts and decide by consensus on any inputs from the intersessional program and on any further action.

5. The current ISP (2018 to 2020) should make progress on issues of substance and process in all its meetings. The current intersessional period should be guided by the following principles and objectives:

(a) The aim of the intersessional program is to strengthen the effectiveness and improve the implementation of all provisions of the Convention on a voluntary basis.

(b) The BWC forms a composite whole and that, while it is possible to address related issues separately, it is necessary for all the interlinked elements of the Convention to be dealt with in a balanced and comprehensive manner, whether they relate to regulation, compliance or promotion.

(c) The current ISP should be comprehensive enough to allow an evaluation of the Convention in its entirety. It should take advantage of all the experiences accumulated so far by the States Parties in the framework of the Convention and the Ninth Review Conference.

(d) Annual meetings should achieve a balance between political and technical follow up of the Convection, including balance between the timing and content of work been assign to the different meetings. Any expert meetings should not be in the detriment of the States Parties Meetings.

(e) To facilitate the fullest exchange of equipment, materials and scientific and technological information for the peaceful uses of bacteriological agents and toxins.

(f) To take into account the economic obstacles that the developing countries face, giving continuity to the results of the Review Conferences.

6. NAM States Parties has emphasized that any meeting within the intersessional program will examine the appropriate measures for strengthening the effectiveness and improving the implementation of the Convention with the view to reinitiate discussions on verification measures to be included in a legally binding instrument as well as NAM proposals related to Article X.[1]

7. Out of the eight days allocated per year for the five open-ended Meetings of Experts, one day will be allocated to the topic of 'Institutional Strengthening of the Convention' to be discussed by the fifth Meeting of Experts (MX5). States Parties decided that MX5 will consider one topic, namely "Consideration of the full range of approaches and options to further strengthen the Convention and its functioning through possible additional legal measures or other measures in the framework of the Convention".

[1] Paragraph 16 of NAM Working Paper BWC/MSP/2017/WP.21.

## II. Future vision

8. Cuba's position has been clear and sincere throughout the process of negotiation of a Protocol to the Convention. Our action has always been guided by legitimate and genuine interests.

9. Cuba has indicated in the last decades and in all Review Conferences and intersessional programs, our sincere availability, without overlooking questions of principle, to continue acting constructively in the pursuit of consensus and the higher interests of the international community in its struggle against the scourge of biological weapons.

Cuba is committed to the mandate of the Ad Hoc Group, as it was established by the Special Conference of the States Parties to the Convention in 1994. Preserving the continuity and effectiveness of this process is a major objective. Therefore, in our view such an objective can only be achieved in the context of multilateral efforts, within the framework of and with the purpose of strengthening the Convention.

10. In considering the full range of approaches and options to further strengthen the Convention and its functioning through possible additional legal measures or other measures in the framework of the Convention, the MX5 should conclude that is our prime and collective responsibility as States Parties of BWC to promote multilateral approaches and options that could authentically strengthen the Convention. No proposals involving unilateral, selective or discriminatory approaches can rely on the consensus of the States Parties to the Convention on Biological Weapons.

11. The MX5 should also conclude that is crucial to continue preserving the mandate established by the Special Conference of the States Parties to the Convention held in 1994.

12. Thus, taking into account that document BWC/AD HOC GROUP/CRP.82 enjoyed considerable support by the vast majority of States Parties as a compromise text presented by the Chairman of the Ad Hoc Group, the experts during the MX5 sessions could discuss and promote common understanding and effective action on the potential parts of the referred document that can command broad agreement among States Parties.

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[2] Draft Protocol ('Protocol to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (biological) and Toxin Weapons and on their Destruction ', see BWC/AD HOC GROUP/CRP.8), which was also referred to the 'Composite Text'). The Composite Text was formally introduced by the Chairman at the twenty-third session (23 April - 11 May 2001), containing his compromise suggestions on all outstanding issues prepared on the basis of the Rolling Text (BWC/AD HOC GROUP/56-1 Annex).